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Attorneys for Plaintiff Joseph Sohm.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOSEPH SOHM,)	Case No. 16-cv-3777
)	
Plaintiff,)	COMPLAINT
)	
v.)	
)	DEMAND FOR JURY TRIAL
SCHOLASTIC INC.)	
)	
Defendant.)	
_____)	

Plaintiff Joseph Sohm, (“Sohm”) for his complaint against Scholastic, Inc. (“Scholastic”) alleges:

STATEMENT OF ACTION

1. This is an action for copyright infringement and other causes of action brought by Sohm, the owner of copyrights to the photographs described hereafter and originally licensed for limited use by Scholastic, against Scholastic for unauthorized uses of his photographs.

PARTIES

2. Joseph Sohm is a professional photographer who licenses photographic images to publishers, including Scholastic. He is a resident of Oak View, California.

3. Scholastic is a New York corporation that maintains its principal place of business at 557 Broadway, New York, NY 10012. As the world's largest publisher and distributor of children's books, Scholastic sells and distributes its publications in the Central District of California, throughout the United States, and overseas, including the publications and ancillary materials in which Sohm's photographs are unlawfully reproduced.

JURISDICTION

4. This is an action for injunctive relief, statutory damages, monetary damages, and interest under the copyright laws of the United States and the common law. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 (federal question), 1338 (copyright), and 1367 (supplemental jurisdiction).

VENUE

5. Venue is appropriate in this District pursuant to 28 U.S.C. §§ 1391(a) and (b) and 28 U.S.C. § 1400(a).

FACTS

6. Sohm is the owner of copyrights in the attached photographic images ("Photographs") depicted in Exhibits 1, 2, 3, 4, and 5.

7. As set forth in Exhibits 1-5, the Photographs have been registered with the United States Copyright Office.

8. Sohm entered into agreements with stock photography agencies Corbis Corporation, Jupiter Images Corporation, Photo Researchers, Inc., Stock Boston, and The Image Works ("Agencies"), authorizing them to grant limited licenses for use of the Photographs to Scholastic.

9. Between 1995 and 2011, in response to permission requests from Scholastic, Sohm – acting through the Agencies – sold Scholastic limited licenses to use copies of the Photographs in particular educational publications identified in Scholastic's requests, as itemized in Exhibits 1-5.

1 The licenses granted Scholastic were expressly limited by number of copies, distribution area,
2 language, duration, and/or media.

3 10. Upon information and belief, after obtaining the licenses from Sohm, Scholastic
4 exceeded the licenses and infringed Sohm's copyrights in the Photographs in various ways,
5 including:

- 6 a. printing more copies of the Photographs than authorized;
- 7 b. distributing publications containing the Photographs outside the authorized
8 distribution area;
- 9 c. publishing the Photographs in electronic, ancillary, or derivative publications
10 without permission;
- 11 d. publishing the Photographs in international editions and foreign publications
12 without permission; and/or
- 13 e. publishing the Photographs beyond the specified time limits.

14 11. Upon information and belief, after obtaining access to the Photographs, Scholastic
15 also used them without any license or permission in additional publications that have not yet been
16 identified. Because Scholastic alone knows of these wholly unauthorized uses, Sohm cannot
17 further identify them without discovery.

18 12. Scholastic alone knows the full extent to which it has infringed Sohm's copyrights
19 by making unauthorized uses of the Photographs, but it has not shared this knowledge with Sohm.

20 13. Since 2011, Scholastic (or its parent, Scholastic Corporation) has been sued for
21 copyright infringement in furtherance of its under-licensing practices in at least the following
22 actions:

- 23 a. *Palmer Kane LLC v. Scholastic Corporation*, No. 11-cv-07456 (S.D.N.Y.);
- 24 b. *Palmer/Kane LLC v. Scholastic Corporation and Scholastic, Inc.*, No. 14-cv-07805
25 (S.D.N.Y.);
- 26 c. *David Young-Wolff, The Estate of Michael Newman, Laura Dwight, Ed Bock, and*
27 *Lief Skoogfors v. Scholastic Corporation*, No. 14-cv-05089 (S.D.N.Y.);
- 28 d. *Keller v. Scholastic, Inc.*, No. 16-cv-01829 (E.D. PA);
- e. *Jose Luis Pelaez, Inc. v. Scholastic, Inc.*, No. 16-cv-02791 (S.D.N.Y.);
- f. *Frans Lanting, Inc. v. Scholastic Inc.*, No. 15-cv-05671 (C.A.N.D.);

g. *Bob Daemmrch Photography, Inc. v. Scholastic Inc.*, 15-cv-01150;

h. *Lewine v. Scholastic Corporation*, No. 15-cv-05731 (S.D.N.Y.).

14. All exhibits attached hereto are incorporated into this Complaint by this reference.

COUNT I

Copyright infringement against Scholastic

15. Plaintiff incorporates herein by this reference each and every allegation contained in the paragraphs set forth above.

16. The foregoing acts of Scholastic constitute infringements of Plaintiff's copyrights in the Photographs in violation of 17 U.S.C. §§ 501 *et seq.*

17. Plaintiff suffered damages as a result of Scholastic's unauthorized use of the Photographs.

WHEREFORE, Plaintiff requests the following:

1. A preliminary and permanent injunction against Defendant and anyone working in concert with Defendant from copying, displaying, distributing, selling or offering to sell Plaintiff's Photographs described in this Complaint and Plaintiff's photographs not included in suit.

2. As permitted under 17 U.S.C. § 503, impoundment of all copies of Plaintiff's Photographs used in violation of Plaintiff's exclusive copyrights as well as all related records and documents and, at final judgment, destruction or other reasonable disposition of the unlawfully used Photographs, including digital files and any other means by which they could be used again by Defendant without Plaintiff's authorization.

3. An award of Plaintiff's actual damages and all profits derived from the unauthorized use of Plaintiff's Photographs or, where applicable and at Plaintiff's election, statutory damages.

4. An award of Plaintiff's reasonable attorneys' fees.

5. An award of Plaintiff's court costs, expert witness fees, interest and all other amounts authorized under law.

6. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues permitted by law.

1 DATED: May 31, 2016

2 Plaintiff Joseph Sohm, by his attorneys,

3 /s/ Christopher Seidman

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